

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Revisions to Reporting Requirements)	WT Docket No. 17-228
Governing)	

REPLY COMMENTS OF CTIA AND COMPETITIVE CARRIERS ASSOCIATION

CTIA and Competitive Carriers Association (“CCA,” and collectively “the Associations”) respectfully submit this reply to comments on the Notice of Proposed Rulemaking released by the Federal Communications Commission (“Commission”) proposing revisions to the Commission’s wireless hearing aid compatibility (“HAC”) reporting requirements.¹

I. INTRODUCTION.

As discussed in initial comments in this proceeding,² CTIA and CCA urge the Commission to eliminate unnecessary and burdensome HAC Form 655 reporting requirements for all service providers. Today, consumers have available a wide array of HAC-compliant wireless handsets and numerous consumer-friendly resources to find those devices and learn about the HAC-rating system, making the Commission’s reporting requirement unnecessary for either educational or compliance purposes. To the extent that consumers could benefit from additional information regarding the compatibility of wireless handsets with hearing aid devices, the Commission should recognize that the lack of information from hearing aid manufacturers

¹ See *Revisions to Reporting Requirements Governing Hearing Aid-Compatible Mobile Handsets*, Notice of Proposed Rulemaking, WT Docket No. 17-228, FCC 17-123 ¶ 2 (rel. Sept. 27, 2017) (“Notice”).

² Comments of CTIA and Competitive Carriers Association, WT Docket No. 17-228 (filed Nov. 13, 2017) (“CTIA/CCA Comments”).

about HAC issues likely contributes to consumer questions regarding the usability of their hearing aids with HAC-compliant wireless handsets. The Commission should therefore work with industry and its federal agency counterparts to encourage the hearing aid industry to undertake disclosure and educational initiatives so that consumers making significant investments in hearing aid devices can better select devices that will work with their HAC-compliant wireless handsets.

II. THE COMMISSION SHOULD ELIMINATE THE HAC FORM 655 REPORTING REQUIREMENTS, AS THEY ARE UNNECESSARY BOTH FOR CONSUMER EDUCATION AND COMPLIANCE PURPOSES.

A. The Record Shows that Consumers Are Better Served Through A Variety of Information Resources Other Than the Form 655.

As the record demonstrates, consumers obtain information about HAC-compliant wireless handsets from many sources.³ Third-party sources and websites and common Internet search engines are far more user-friendly, easily accessible, and widely known than the Form 655. And wireless providers and manufacturers provide information directly to consumers through, among other methods, websites, disclosures, and in-store testing.⁴

The Associations' member companies monitor and update their HAC websites on a regular basis, including when new wireless handsets are made available.⁵ Importantly, each service provider and manufacturer decides what information to include on its website and how

³ CTIA/CCA Comments at 4-7; Comments of AT&T Services, Inc., WT Docket No. 17-228, at 4-5 (filed Nov. 13, 2017) ("AT&T Comments"); Comments of the Rural Wireless Association, Inc., WT Docket No. 17-228, at 2 (filed Nov. 13, 2017) ("RWA Comments").

⁴ The Hearing Loss Association of America and other advocates for consumer with hearing loss (collectively, "HLAA") incorrectly assert that Bluegrass Cellular's website does not contain HAC information. *Compare* Comments of Hearing Loss Association of America et al., WT Docket No. 17-228, at 3 (filed Nov. 13, 2017) ("HLAA Comments") *with* CTIA/CCA Comments at n.8 (citing <https://bluegrasscellular.com/support/hac>).

⁵ *See, e.g.*, AT&T Comments at 6.

such information is presented based on the company's knowledge of its customers' needs.⁶

Service providers require flexibility in populating their websites, such as being able to decide to retain HAC information of older handset models to account for consumers who retain their handsets longer than the devices may be commercially available.⁷ Continued flexibility is key for service providers and manufacturers to craft their websites in a way that is responsive to the unique needs of their customers.

As another example, service provider websites demonstrate the importance of engagement and open communication between the wireless industry and advocates of consumers with hearing loss regarding how information can best be presented to consumers. Indeed, as noted in CTIA/CCA's initial comments, portions of AccessWireless.Org, such as those discussing seniors and older Americans, reflect similar past discussions.⁸ The Associations welcome continued interactions with consumer advocates in order to better understand the needs of consumers who use hearing aid devices.

⁶ Such decisions are of course made by manufacturers and service providers in consideration of their obligations under the Commission's rules, which already require certain HAC information to be made available to consumers. *See* 47 C.F.R. § 20.19(h) ("[E]ach manufacturer and service provider subject to this section that operates a publicly-accessible Web site must make available on its Web site a list of all hearing aid-compatible models currently offered, the ratings of those models, and an explanation of the rating system. Each service provider must also specify on its Web site, based on the levels of functionality that the service provider has defined, the level that each hearing aid-compatible model falls under as well as an explanation of how the functionality of the handsets varies at the different levels."); *see also* CTIA/CCA Comments at n.8.

⁷ One site singled out by HLAA—Appalachian Wireless—demonstrates why flexibility is needed, as the company made an informed decision to retain HAC information of older handset models on its website to account for consumers who retain their handsets longer than the devices may be commercially available.

⁸ CTIA/CCA Comments at 5.

B. The Burdens on Service Providers of Preparing and Filing the Form 655 Outweigh Any Potential Benefits.

The record demonstrates unnecessary burdens that filing the Form 655 places on all service providers.⁹ Given the availability of multiple sources of information about HAC-compliant wireless handsets (of which HAC compliance generally well exceeds current requirements), the many burdens of the Form 655 filing requirements, and the lack of associated benefits, the Commission should immediately remove the reporting requirements for service providers.¹⁰

In addition to the Form 655's limited usefulness for consumers, its role in the Commission's compliance efforts is limited. The record is clear that service providers meet and often exceed the benchmarks in the HAC rules, and the record demonstrates that very few consumer complaints are filed regarding accessibility (let alone HAC).¹¹ If necessary, the certification system that the Associations and AT&T propose is far superior for compliance purposes than the current Form 655 regime.¹²

⁹ AT&T Comments at 6 (“Compiling and submitting this information for the HAC status reports alone take multiples of the two and a half (2.5) hours, on average, that the Form 655 Instructions estimate it would take to compile this information.”); Comments of Blooston, Mordkofsky, Dickens, Duffy & Prendergast, LLP, on behalf of its rural and independent wireless service provider clients, WT Docket No. 17-228, at 2 (observing that “the reporting process is tedious and can easily take tens of hours of staff time”) (filed Nov. 13, 2017) (“Blooston Rural Carriers Comments”); RWA Comments at 2 (observing that the HAC reporting requirements are “[e]xtremely [b]urdensome” and “extremely problematic” for carriers).

¹⁰ See AT&T Comments at 1, 3; Blooston Rural Carriers Comments at 2 (“eliminating the annual HAC reporting burden will have a measurable impact on [Tier III carriers’] bottom line and will help to ensure that wireless services remain available to consumers who live and work in remote and niche markets”); RWA Comments at 4 (urging the Commission to immediately eliminate the HAC reporting requirement).

¹¹ See HLAA Comments at 6 (citing Commission data demonstrating “just how few accessibility complaints are filed”).

¹² AT&T Comments at 7-8; CTIA/CCA Comments at 9.

III. HEARING AID MANUFACTURERS HAVE AN EQUAL RESPONSIBILITY TO ENSURE CONSUMERS HAVE INFORMATION REGARDING THE HAC RATINGS OF HEARING AID DEVICES.

CTIA and CCA members have demonstrated their desire and ability to provide consumers with the most useful information about HAC-compliant wireless handsets. The Commission should expect that other related industries would work cooperatively with handset manufacturers and carriers, alike. The Hearing Industries Association (“HIA”) urges the Commission to retain the Form 655 reporting requirement, arguing that “people with hearing loss who use hearing aids continue to face difficulty finding HAC-compliant devices that are interoperable with their hearing aids.”¹³ Consumers’ ability to couple hearing aids with wireless handsets, however, depends on their having information to choose *a hearing aid device* that works with a HAC-compliant wireless handset based on each consumers’ unique hearing loss factors. For consumers to make informed choices by utilizing the HAC rating system, consumers need to know the HAC ratings of *both* the wireless handset and the hearing aid device.

As described in the initial comments, wireless service providers and manufacturers make significant efforts to provide information about the HAC ratings of wireless handsets, both voluntarily and subject to Commission requirements.¹⁴ As just one example, AccessWireless.org hosts a five-part educational video series developed by the Wireless RERC at Georgia Tech that

¹³ Comments of Hearing Industries Association, WT Docket No. 17-228, at 2 (filed Nov. 13, 2017).

¹⁴ See, e.g., AT&T Comments at 4-5 (observing that service providers and manufacturers maintain HAC information on their websites and that the wireless industry and consumer groups also maintain and provide links to websites with HAC information); CTIA/CCA Comments at 2-7 (describing several voluntary and required efforts that provide information to consumers in addition to the Form 655); RWA Comments at 2 (noting that non-nationwide service providers list all hearing aid-compatible handsets and their ratings on their websites and make hearing aid compatible handset models available for consumer testing in their retail outlets).

walks a consumer through the process of selecting a HAC-compliant wireless handset and highlights the importance of consumers being informed about the HAC rating of their hearing aid device.¹⁵

In contrast, without a corresponding and equal commitment from the hearing aid industry to disclose the HAC ratings of hearing aid devices, consumers will continue to face challenges in selecting hearing aid devices that work with HAC-compliant wireless handsets based on their unique hearing loss factors. Thus, the educational and disclosure efforts of hearing aid manufacturers are critical.

The Commission's current methodology of assessing HAC compliance – the ANSI C63.19 standard – itself is premised on consumers knowing the HAC ratings of their hearing aid device.¹⁶ However, there is a stark disparity between the Commission's requirements for wireless service providers and manufacturers to disclose and educate consumers about HAC, and the lack of clear disclosure or educational initiatives by hearing aid manufacturers. The absence of HAC ratings information from hearing aid manufacturers likely contributes to consumer confusion about the usability of HAC-compliant wireless handsets with hearing aids, particularly as consumers are more likely to first learn about HAC when receiving a hearing aid device from a healthcare professional. In short, hearing aid users will benefit the most if, similar to the wireless industry, hearing aid manufacturers meaningfully participate in implementation of the ANSI C63.19 standard to inform their customers about the HAC ratings system.

¹⁵ See Access Wireless, Hearing Accessibility, Hearing Aid Compatibility Videos, <http://accesswireless.org/HAC-Video.aspx> (last visited Nov. 21, 2017).

¹⁶ See, e.g., FCC, *Hearing Aid Compatibility for Wireline and Wireless Telephones*, <https://www.fcc.gov/consumers/guides/hearing-aid-compatibility-wireline-and-wireless-telephones> (“To determine how well the handset and the hearing aid will function together, *combine the T ratings for both*. For example, a T3 handset used with a T3 hearing aid, gives a sum of 6, which is considered ‘best’ or excellent.”) (emphasis added).

CTIA has in the past urged the Commission to encourage hearing aid manufacturers to both disclose HAC ratings of hearing aid devices and educate the hearing loss community about how best to select a HAC-certified wireless handset for a particular hearing aid device.¹⁷ The Associations have similarly urged the Federal Trade Commission (“FTC”)¹⁸ and the Food and Drug Administration (“FDA”)¹⁹ to ensure that hearing aid manufacturers are part of any discussion about how to ensure that hearing aids can take advantage of innovation and be compatible with wireless handsets. However, it remains unclear what actions the hearing aid manufacturing industry, as a whole, has taken to inform healthcare professionals and their customers about the HAC ratings of hearing aids and how to choose a compatible wireless handset. The Associations recommend that the Commission work with other relevant federal agencies to encourage the hearing aid industry to undertake such disclosure and educational initiatives.²⁰

Ultimately, for the HAC regime to be successful, all sides of the HAC equation must be doing their part. As the wireless industry continues to work alongside consumer groups to educate consumers, hearing aid manufacturers must likewise continue to disclose HAC ratings of hearing aid devices similar to the disclosure requirements imposed on the wireless industry.

¹⁷ See, e.g., Comments of CTIA – The Wireless Association®, WT Docket No. 07-250 (filed Oct. 25, 2010); Reply Comments of CTIA – The Wireless Association®, WT Docket No. 07-250, at 10 (filed Nov. 22, 2010).

¹⁸ See Comments of CTIA, FTC Hearing Health and Technology, Workshop, Project No. P171200 (filed May 18, 2017), https://www.ftc.gov/system/files/documents/public_comments/2017/05/00134-140819.pdf; Comments of Competitive Carriers Association, FTC Hearing Health and Technology, Workshop, Project No. P171200 (filed May 18, 2017), https://www.ftc.gov/system/files/documents/public_comments/2017/03/00031-140426.pdf.

¹⁹ See Comments of CTIA, Docket No. FDA-2013-D-1295-0087 (post May 18, 2016), <https://www.regulations.gov/contentStreamer?documentId=FDA-2013-D-1295-0087&attachmentNumber=1&contentType=pdf>.

²⁰ See *id.* (urging the FDA to take steps to promote a hearing aid industry-wide HAC rating disclosure and education effort).

Together, these efforts will ensure that all consumers have current, readily-available information regarding how to best select a HAC-certified wireless handset for a particular hearing aid device.

IV. CONCLUSION.

The Associations urge the Commission to reform the Form 655 filing requirements as described above.

Respectfully submitted,

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